

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division
Case No.: 3:09-cv-192**

THOMAS A. ALLEN,

Plaintiff,

vs.

JOHN MARLIN DANCE,

Defendant.

**JOHN MARLIN DANCE'S
MOTION TO DISMISS AND
ANSWER TO AMENDED
COMPLAINT**

MOTION TO DISMISS

NOW COMES the Defendant JOHN MARLIN DANCE and makes a Motion to Dismiss pursuant to Rule 12(b)(6) for a failure to state a claim upon which relief can be granted. Plaintiff has failed to please the essential elements of slander.

FURTHER ANSWER

1. Admitted upon information and belief.
2. Denied.
3. Denied.
4. Denied.
5. Denied.

**FIRST CAUSE OF ACTION
ALIENATION OF AFFECTIONS**

6. Defendant realleges and incorporates herein the foregoing answers.
7. Defendant is without sufficient information to form a belief as to the truth or veracity of said allegations therefore said allegations are denied.
8. Denied.
9. Denied.

10. Denied.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Denied.
17. Denied.
18. Denied.
19. Denied.

WHEREFORE, the Defendant JOHN MARLIN DANCE prays the Court as follows:

1. The Plaintiff have and recover nothing of the answering Defendant Dance.
2. That the costs of this action be taxed to the Plaintiff.
3. The answering Defendant have and receive a trial by jury on all issues of fact alleged herein.
4. For such other and further relief as the Court may deem just and proper.

This the 20th Day of May, 2009.

TEMPLETON & RAYNOR, P.A.

/s/Carrie O'Brien
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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2009, I electronically filed **John Marlin Dance's Motion to Dismiss and Answer to Amended Complaint** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

christopherjohnsonlaw@hotmail.com

This the 20th Day of May, 2009.

/s/Carrie O'Brien

Carrie O'Brien

TEMPLETON & RAYNOR, P.A.